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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/501,022

07/09/2004

Shigeto Ueno

L8462.04121

3051

7590 03/19/2008  
Stevens Davis Miller & Mosher  
1615 L Street NW  
Suite 850  
Washington, DC 20036

EXAMINER

RENNER, CRAIG A

ART UNIT

PAPER NUMBER

2627

MAIL DATE

DELIVERY MODE

03/19/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/501,022	<b>Applicant(s)</b> UENO ET AL.	
	<b>Examiner</b> Craig A. Renner	<b>Art Unit</b> 2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 September 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 2-62 is/are pending in the application.
- 4a) Of the above claim(s) 2-4 and 10-13 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 5,6,17-19,26-28,41-51 and 55 is/are allowed.
- 6) ☒ Claim(s) 7,14-16 and 29-39 is/are rejected.
- 7) ☒ Claim(s) 8,9,20-25,40,52-54 and 56-62 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>20 March 2007</u> .   | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Election/Restrictions*

1. Claims 5, 6, and 46 are generic/linking and allowable over the prior art of record. Accordingly, the restriction requirement among species, as set forth in the Office action mailed on 10 July 2006, has been reconsidered in view of the allowability of claims to the elected invention pursuant to MPEP § 821.04(a). **The restriction requirement is hereby withdrawn as to any claim that requires all the limitations of an allowable claim.** Claims 7-9, 14-27, 49, 52-54 and 56-62, directed to one or more non-elected species, are no longer withdrawn from consideration because these claims require all the limitations of an allowable claim. However, claims 2-4 and 10-13, directed to one or more non-elected species, are still withdrawn from consideration because they do not require all the limitations of an allowable claim.

In view of the above noted withdrawal of the restriction requirement, applicant is advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application.

Once a restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. See *In re Ziegler*, 443 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

***Specification***

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. The following is suggested:

--DISK LOADING APPARATUS WITH CARTRIDGE URGING MEMBER OPERATING  
COOPERATIVELY WITH DISK ROTATING UNIT TRANSVERSE HOLDER--.

3. The disclosure is objected to because of the following informalities:

a. In line 1 of the amended abstract, "comprises includes" should be corrected to read either just --comprises-- or just --includes-- for better clarity.

b. In line 8 of the amended abstract, "spindle the motor" should be corrected to read --the spindle motor-- for better clarity.

Appropriate correction is required.

***Claim Objections***

4. Claims 8-9, 20-25, 40, 52-54 and 56-62 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend from any other multiple dependent claim. Additionally, claim 23 is objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim should refer to other claims in the alternative only. See MPEP § 608.01(n). Accordingly, claims 8-9, 20-25, 40, 52-54 and 56-62 have not been further treated on the merits.

***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 7, 14-16 and 29-39 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a. Many elements in the claims are indefinite because they lack clear and/or positive antecedent basis including “said driving means” (lines 7-8 of claim 14), “said damper member” (line 9 of claim 29 and lines 1-2 of claim 30), “said transverse base” (lines 2-3 and 4 of claim 33), “said positioning unit” (line 7 of claim 35, lines 3-4 of claim 36/35 and line 3 of claim 37/36/35), and “said second driving unit” (line 2 of claim 39).

b. In line 4 of claim 7, it is indefinite as to whether “said disk” refers to that set forth in line 4 of independent claim 5, or that set forth in line 4 of claim 7.

c. In line 7 of claim 34, it is indefinite as to whether “said positioning hole” refers to that set forth in line 8 of independent claim 5, that set forth in line 4 of claim 29 when claim 34 depends on claim 29, 30/29, 31/29, 32/29 or 33/29, or one of those set forth in line 3 of base claim 31 when claim 34 depends on claim 31.

d. In lines 3-4 of claim 37, it is indefinite as to whether “said positioning hole” refers to that set forth in line 8 of independent claim 5, or that set forth in line 4 of claim 29 when claim 37 depends on claim 36/29, 36/30/29, 36/31/29 or 36/33/29.

e. Claims 15-16, 31-32 and 38 inherit the indefiniteness associated with their respective base claims and stand rejected as well.

***Allowable Subject Matter***

7. Claims 5-6, 17-19, 26-28, 41-51 and 55 are allowable over the prior art of record. Claims 7, 14-16 and 29-39 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

***Response to Arguments***

8. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Craig A. Renner whose telephone number is (571)272-7580. The examiner can normally be reached on Tuesday-Friday 9:00 AM - 7:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, A. L. Wellington can be reached on (571) 272-4483. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Craig A. Renner/  
Craig A. Renner  
Primary Examiner, Art Unit 2627

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